



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,101	05/15/2001	Gregory D. Gudorf	SONY / 88	1769

26875 7590 03/15/2005

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,101

Applicant(s)

GUDORF ET AL.

Examiner

Thong H Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-10 are pending.
2. Claims 1,8,9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (i.e.: it was unclear "the computer environment" indicates the user platform or the destination environment or both).

Response to Arguments

3. Applicant's arguments filed 12/02/04 have been fully considered but they are not persuasive.

a. Applicant argues the prior art does not disclose or suggest "a plurality of user profiles".

Examiner points out the prior art discloses "create user data that is recorded in the User Profile Database [Burge, col 7 lines 1-18; It was obvious the User Profile Database contains a plurality of user profiles].

b. Applicant argues the prior art does not disclose or suggest "personalizing or customizing the user profile based upon the computing environment". It was unclear that the computer environments indicated the user computer, the destination computer (i.e.: server) or both. Examiner assumed any computer would meet this requirement.

Examiner points out the prior art discloses "create a profile for the shopper over Internet [Burge, WAN, Internet, col 4 lines 30-67; create a profile, col 5 lines 55-60; It was clearly that the Wide area network or Internet includes a different user computers and different servers [Burge, analyzing a computer user's past navigational history to

Art Unit: 2142

determine needs and preferences, col 3 lines 45-55; the special software or Web browser, col 4 lines 48-67; a structure format that both the sending and receiving applications understand, col 5 lines 38-50]. Thus, the user would customized the profile based on the computer environment he/she using].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Burge et al [Burge 6,014,638].

5. As per claim 1, Burge discloses a method of displaying on-line content [Burge, on line service provider, col 4 lines 17-30], the method comprising:

monitoring subjective preferences of a user interacting on-line in a plurality of objectively distinguishable computing environments [Burge, the system monitors and records a user choices and preferences, abstract, col 3 lines 45-55];

personalizing a plurality of usage profiles to reflect the monitored subjective preferences for the user corresponding to each of the computing environments [Burge,

create a profile for the shopper, customized to conform to the shopper's preferences as indicated in the shopper's profile, col 5 line 50-col 6 line 25];

presenting on-line content personalized in accordance with one of the usage profiles in response to the user interacting in an identified one of the computing environments [Burge, display with options, the shopping environment, col 6 lines 26-49; user's past on-line behavior, col 10 lines 52-67].

6. As per claim 2, Burge discloses determining a unique computing environment by identifying at least one characteristic selected from the group consisting of time of day, day of the week, date, computing location, and computing platform [Burge, select display characteristics and elements, col 5 line 50-col 6 line 25].

7. As per claim 3, Burge discloses creating a new usage profile in response to identifying a unique computing environment monitored subjective preferences [Burge, preferences and unique, col 7 lines 19-37; col 9 lines 25-53; col 10 lines 14-51].

8. As per claim 4, Burge discloses creating a new usage profile for the user in response to a comparison of subjective preferences of the user in a one computing environment with subjective preferences of the user in another computing environment [Burge, creat a profile for the shopper, col 5 lines 50-67].

Art Unit: 2142

9. As per claim 5, Burge discloses detecting a user physiological response to on-line content [Burge, user's past on-line behavior, col 10 lines 52-67].

10. As per claim 6, Burge discloses detecting the user physiological response to on-line content further comprises detecting eye movement of the user as inherent feature of user interest [Burge col 8 lines 3-20].

11. As per claim 7, Burge discloses detecting the user physiological response to on-line content further comprises detecting a galvanic skin response as inherent feature of user's behavior.

12. Claims 8,9 contain the similar limitations set forth of apparatus claim 1.

Therefore, claims 8,9 are rejected for the similar rationale set forth in claim 1.

13. As per claim 10, Burge discloses the signal bearing medium includes at least one of a recordable medium and a transmission medium.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burge et al [Burge 6,014,638] in view of Aronberg et al [Aronberg 5,933,647].

14. As per claim 1, Burge discloses a method of displaying on-line content [Burge, on line service provider, col 4 lines 17-30], the method comprising:

monitoring subjective preferences of a user interacting on-line in a plurality of objectively distinguishable computing environments [Burge, the system monitors and records a user choices and preferences over Internet, abstract, col 3 lines 45-55];

personalizing a plurality of usage profiles to reflect the monitored subjective preferences for the user corresponding to each of the computing environments [Burge, create a profile for the shopper, customized to conform to the shopper's preferences as indicated in the shopper's profile, col 5 line 50-col 6 line 25; Internet, col 4 lines 48-67];

presenting on-line content personalized in accordance with one of the usage profiles [Burge, display with options, the shopping environment, col 6 lines 26-49; user's past on-line behavior, col 10 lines 52-67].

However Burge does not explicitly detail "in response to the user interacting in an identified one of the computing environments"

A skilled artisan would have motivation to improve the technique of customized user profiles as taught by Bruge and found Aronberg teaching. Aronberg discloses a distributing software system wherein the customization provides a profile based on computer network environment [Aronberg, col 10 lines 22-42]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the customization user profile based the computer

Art Unit: 2142

network environment as taught by Aronberg into the Burge's apparatus in order to utilize the customized profile process. Doing so would provide a full integration into GUI based operating system for network management and control.

15. As per claim 2, Burge-Aronberg disclose determining a unique computing environment by identifying at least one characteristic selected from the group consisting of time of day, day of the week, date, computing location, and computing platform [Burge, select display characteristics and elements, col 5 line 50-col 6 line 25].

16. As per claim 3, Burge-Aronberg disclose creating a new usage profile in response to identifying a unique computing environment monitored subjective preferences [Burge, preferences and unique, col 7 lines 19-37; col 9 lines 25-53; col 10 lines 14-51].

17. As per claim 4, Burge-Aronberg disclose creating a new usage profile for the user in response to a comparison of subjective preferences of the user in a one computing environment with subjective preferences of the user in another computing environment [Burge, creat a profile for the shopper, col 5 lines 50-67].

18. As per claim 5, Burge-Aronberg disclose detecting a user physiological response to on-line content [Burge, user's past on-line behavior, col 10 lines 52-67].

Art Unit: 2142

19. As per claim 6, Burge-Aronberg disclose detecting the user physiological response to on-line content further comprises detecting eye movement of the user as inherent feature of user interest [Burge col 8 lines 3-20].

20. As per claim 7, Burge-Aronberg disclose detecting the user physiological response to on-line content further comprises detecting a galvanic skin response as inherent feature of user's behavior.

21. Claims 8,9 contain the similar limitations set forth of apparatus claim 1. Therefore, claims 8,9 are rejected for the similar rationale set forth in claim 1.

22. As per claim 10, Burge-Aronberg disclose the signal bearing medium includes at least one of a recordable medium and a transmission medium as a design choice.

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-USP 6,073,089. Baker discloses a system and method for adaptive profiling, fault detection and alert generation including automatically detecting faults based on a profile in a complex environment.

-Automatic Personalization Based on Web Usage Mining - Mobasher, Cooley, Srivastava (1999).

Art Unit: 2142

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896. The fax number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
Art Unit 2142

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.